



SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,

CHHATTISGARH

WRIT PETITION NO. 5226 of 2005

PETITIONERS/
DEFENDANTS

- ✓ 1. M/s Carry co, 26, Zakaria Street, Calcutta - 73, Transport Company having Branch office at New Khursipar, Bhilai (Chhattisgarh) through partner Saroj Saraf, W/o Dilip Kumar Saraf, aged about 40 years, 26 Zakaria Street, Calcutta.
- ✓ 2. M/s Carryce, New Khusipar, Bhilai, Branch of Carryce Transport Company of Calcutta.

P.R. No. 4790/05
Presented by Shri. R. T. P. H.
dated 15/9/05

Versus

RESPONDENT/
PLAINTIFF

✓ Bharat Refractory Limited, a company incorporated under Indian Companies Act functioning at Bhilai under the name and style of Bhilai Refractories, Plant, Bhilai (Chhattisgarh).



WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 5226/2005 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>27-10-2005.</u> <u>W.P. No.5226 of 2005.</u> Heard Shri V.R. Tiwari, learned counsel for the petitioners. This is petition is filed against the order dated 04.04.1997 passed by the Second Additional Sessions Judge, Durg in Civil Suit No.36-B/94 in an application filed under Order 7 Rule 11 of C.P.C. filed by the petitioners/defendants. Learned counsel for the petitioners submits that the objection raised in the application under Order 7 Rule 11 of C.P.C. has also been taken in the written statement and the case is pending consideration before the Second Additional Sessions Judge, Durg. The trial Court after hearing the parties dismissed the application on the ground that the said application for dismissal of the plaint can be raised in the written statement. There is no jurisdictional error or gross irregularity in the impugned order. As such, the impugned order passed by the Second Additional Sessions Judge, Durg does not call for any interference by this Court under Article 227 of the Constitution of India. Accordingly, the petition is dismissed. Consequently, M.W.P. No.4228 of 2005, I.A. 9088 of 2005 and I.A. No.8524 of 2005 stand disposed of.	

Sd/-
Satish K. Agnihotri
Judge

SP/FS/2005 - 20,000